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In re Application of
Georges et al.
Application No.: 10/541,536
PCT No.: PCT/US03/25813
Int. Filing Date: 08 August 2003
Priority Date: 07 January 2003
Attorney Docket No.: DBT004PCTUS1
For: Systems And Methods For Creating, Modifying,
Interacting With And Playing Musical Compositions

DECISION

This is a decision on the renewed submission under 37 CFR 1.497(d) filed on 03 July 2006.

DISCUSSION

In a decision mailed on 07 June 2006, the declaration filed on 07 February 2005 was not accepted under 37 CFR 1.497(d), without prejudice, because

Regarding requirement (3), the published international application suggests that MADWAVES LTD. may enjoy an assignment interest in this application, but applicants have not provided documentary evidence of the assignee's consent... In the absence of an appropriate consent of the assignee (or an explicit statement that no assignee enjoys an interest in this application), it would not be appropriate to consider requirement (3) to have been satisfied.

Inspection of the declaration filed on 07 February 2006 reveals that it appears to have been assembled by adding a faxed sheet signed by inventors Georges, Damevski, Blair and Laurent to a declaration document signed by all of the inventors other than Damevski. Since counsel has not provided copies of the complete declaration documents signed by each inventor, it is not clear that each inventor had the benefit of signing a complete copy of the declaration document. The declaration is also defective in that it names an inventor ("Voislav (' Voitt') Damevski") whose name differs from a similar name appearing in the published international application: "Damevski, Voitt." In that this is clearly more than a mere typographic error of phonetic misspelling of applicant's name, a proper petition (and fee) is required to resolve this discrepancy. See MPEP § 605.04(b) and MPEP § 201.03(b).

In response, counsel has provided a statement under 37 CFR 3.73(b) which identifies MediaLab Solutions LLC as the assignee; this is supported by a copy of an assignment document identifying the instant application number and executed in favor of MediaLab by the inventors as well as by agents of "the MadWaves Entities," including MadWaves Ltd. (named in the published international application). This is accompanied by a recordation form cover sheet. The statement is signed by Peter Blain in his capacity as "Founding Partner," who asserts that "The undersigned

is empowered to sign this statement and consent on behalf of the assignee." As such, applicants have now satisfied requirement (3) of 37 CFR 1.497(d).

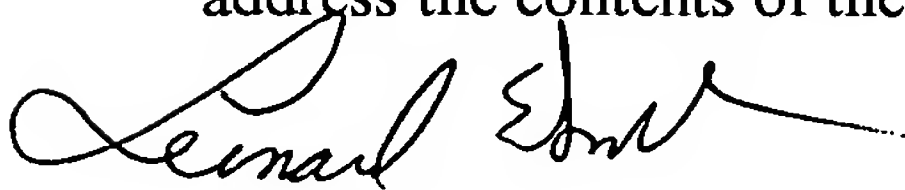
Regarding the issue of Mr. Damevski's name, the proposed change from "Voit" as it appears on the published international application to "Voislav" as it appears in the declaration constitutes more than correction of a mere typographic error or phonetic misspelling. Accordingly, a proper petition (and fee) under 37 CFR 1.182 is required to effect this change. See MPEP § 605.04(b) and MPEP § 201.03(b). Petitioner has neither paid the petition fee nor explicitly requested treatment under 37 CFR 1.182. Therefore, the statement signed by Mr. Damevski does not in itself present sufficient basis to permit the requested name change.

CONCLUSION

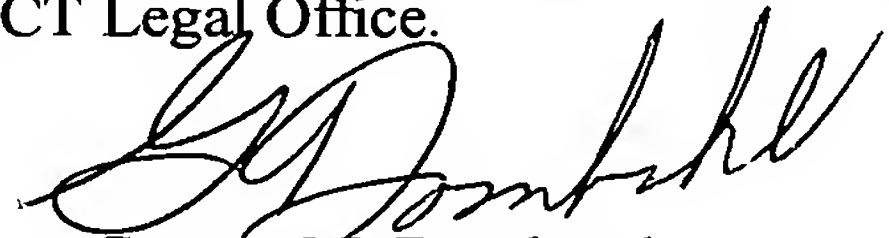
The declaration is **NOT ACCEPTED** under 37 CFR 1.497(d), without prejudice.

Since applicants did not file an acceptable response within the time period set in the previous decision, this international application is **ABANDONED** with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.



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